



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

5720
Ser BPMOW.rdc/048
February 28, 2019

Mr. Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
962 Wayne Avenue, Suite 610
Silver Spring, MD 20910

Dear Mr. Ruch:

This letter responds to your Freedom of Information Act (FOIA) request of October 25, 2018 in which you seek:

- Documents explaining the basis for the Navy's Base Realignment and Closure (BRAC) determination that the original 2006 Historical Radiological Assessment (HRA) of Treasure Island did not address all radiological isotopes/contamination, and that a supplemental HRA was needed; and
- Correspondence between the Navy and California state regulators related to the decision to conduct the supplemental HRA, and the decision as to the scope of the supplemental HRA.

Your request was received by this office on October 30, 2018 and assigned file number DON-Navy-2019-000760. We responded on November 28, 2018 indicating an estimated completion date of February 28, 2019.

During our search, we examined the files maintained by our office and NAVFAC Administrative Record as responsive to your request.

Five records were identified as responsive are publicly available on the BRAC Treasure Island webpage at

https://www.bracpmo.navy.mil/brac_bases/california/former_ns_treasure_island/documents2.html#HRA

1. July 2014, Final Historical Radiological Assessment Supplemental Technical Memorandum (Part 1 of 2)
2. July 2014, Final Historical Radiological Assessment Supplemental Technical Memorandum (Part 2 of 2)
3. September 2012, Final Transcript: Former Naval Station Treasure Island Radioactivity Investigation and Cleanup Public Information Session
4. August 2012, Draft Historical Radiological Assessment Supplemental Technical Memorandum
5. February 2006, Final Treasure Island Naval Station Historical Radiological Assessment (HRA)

In addition, we have identified sixteen (16) Minutes of meetings, six (6) electronic mail messages, eight (8) memoranda, two (2) reports, one (1) Fact Sheet and one (1) Power Point presentation as responsive to your request. Review of the identified documents reveals that some are partially exempt from disclosure under Exemption 6 of the FOIA (5 U.S.C. § 552(b)(6)) since they contain information that, if disclosed, would invade an individual's personal privacy. These portions of documents have been redacted and the remainder of the document is released to you. In addition, two records were determined to be wholly exempt under Exemption 5 of the FOIA (5 U.S.C. § 552(b)(5)) because they qualify to be withheld under the deliberative process privilege, which protects the decision-making process of government agencies. This privilege protects materials that are both predecisional and deliberative and includes, among other things, draft documents and proposals. The materials that have been withheld under the deliberative process privilege of Exemption 5 are both predecisional and deliberative.

The releasable portions of the documents you seek are available for examination and are uploaded with this letter to FOIA Online.

The FOIA establishes three categories of requestors for purposes of assessing fees associated with a FOIA request, as follows: (1) commercial, (2) non-commercial scientific or educational institutions or news media and (3) all others. In this instance, we have determined that your organization falls within the second category and the fees associated with the processing of your request are waived.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the responsibility to provide a timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

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For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Ms. Sarah Ann Moore who may be contacted at sarah.moore@navy.mil or 619-524-5727.

Sincerely,

A handwritten signature in black ink that reads "Alan K. Lee". The signature is written in a cursive style with a large, stylized "A" and "L".

ALAN K. LEE
Director
Acting